



Practioner's Docket No. U 014701-4

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Manobjyoti BORDOLOI, et al

Serial No.: 10/613,532 Group No.: 1632

Filed: July 3, 2003 Examiner.: Herbert J. Lilling

For: PROCESS FOR THE ISOLATION OF POLYHYDROXYBUTYRATE FROM BACILLUS  
MYCOIDES RLJ B-017

**Commissioner for Patents**

P. O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT THAT SUBSTITUTE SPECIFICATION  
CONTAINS NO NEW MATTER (37 C.F.R. 1.125)**

**1. Identification of person making this statement**

CLIFFORD J. MASS

(*type or print name*)

LADAS & PARRY LLP

Address

26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023

The person making this statement is:

(*complete applicable item*)

[ ] the inventor in this application.

[X] the attorney in this application, Registration Number 30086.

[ ] other (*indicate relationship*)

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

- transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300.

Signature

CLIFFORD J. MASS

(*type or print name of person certifying*)

Date: June 19, 2006

**2. Statement**

I hereby state that the accompanying substitute specification contains no new matter over that contained in the above-identified application originally filed.

[ ] I further state that the changes made are the same as indicated in the marked-up copy of the immediate prior version of the specification also accompanying this statement.

[ X ] As no changes are made (e.g. the substitute specification is only a clearer copy) the marked-up copy is the same as the substitute specification and only one copy for both accompanies this statement.

June 19, 2006

date

CLIFFORD J. MASS



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**STATEMENT OF BIOLOGICAL CULTURE DEPOSIT**

**WARNING:** Submission of a letter related to a biological deposit after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

I, CLIFFORD J. MASS

Name of Applicant or Assignee or Assignee's representative

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

- with sufficient postage as first class mail.

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

Date: June 19, 2006

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

hereby state:

1. That the following culture(s) referred to in the specification of this application have been deposited:

Bacillus mycoides RLJB-017  
Strain \_\_\_\_\_  
Strain \_\_\_\_\_  
Strain \_\_\_\_\_  
Strain \_\_\_\_\_

MTCC 5168  
Accession number \_\_\_\_\_  
Accession number \_\_\_\_\_  
Accession number \_\_\_\_\_  
Accession number \_\_\_\_\_

2. That the date of the above deposit is:

*(check appropriate item below)*

- [ ] before the U.S. filing date of this application.  
[x] after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

INSTITUTE OF MICROBIAL TECHNOLOGY  
Name of depository \_\_\_\_\_  
SECTOR 39-A, CHANDIGARH - 160036 INDIA  
Address of depository \_\_\_\_\_  
\_\_\_\_\_

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

*(complete a, b or c below)*

- a. [X] the depository.  
b. [ ] the applicant.  
c. [ ] a competent third party.

***WARNING: If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.***

5. That, with respect to the permanence of the culture(s) deposit:

(complete a, b, or c)

- a.  the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b.  the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c.  evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

- Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

June 19, 2006

Date

P.O. Address of Signatory

LADAS & PARRY LLP

26 WEST 61ST STREET

NEW YORK, NEW YORK 10023

CLIFFORD J. MASS

*(type or print name of person signing)*

Signature

- Inventor  
 Assignee of complete interest  
 Person authorized to sign on behalf of assignee

*(complete the following, if applicable)*

*(type name of assignee)*

Address of assignee

Title of person authorized to sign on behalf of assignee: \_\_\_\_\_

Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

MTCC

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To  
**Dr. Manobjyoti Bordoloi**  
Scientist  
Natural Products Chemistry Division  
Regional Research Laboratory  
Jorhat - 785 006, INDIA  
NAME AND ADDRESS OF THE DEPOSITOR

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
Identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

*Bacillus mycoides RLJ B-017*

Accession number given by the  
INTERNATIONAL DEPOSITORY AUTHORITY:

**MTCC 5168**

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by :

- a scientific description  
 a proposed taxonomic designation  
(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above,

which was received by it on 30.07.2004 (date of the original deposit)<sup>1</sup>

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository

Authority on \_\_\_\_\_ (date of the original deposit) and a request to convert the original  
deposit under the Budapest Treaty was received by it on \_\_\_\_\_ (date of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Dr. G.S.PRASAD

Address:  
Microbial Type Culture Collection & Gene Bank<sup>1</sup>  
Institute of Microbial Technology  
Sector 39-A, Chandigarh - 160 036  
India

Signature: *GSP*  
MTCC, on behalf of the power to represent the  
International Depository Authority or of authorized official(s):  
Institute of Microbial Technology  
Sector 39-A, Chandigarh-160 036  
Date: 30.07.2004  
INDIA

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of International Depository Authority was acquired

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

<p>To</p> <p><b>Dr. Manobjyoti Bordoloi</b> Scientist Natural Products Chemistry Division Regional Research Laboratory Jorhat – 785 006. INDIA</p> <p>NAME AND ADDRESS OF THE PARTY TO WHOM THE VIABILITY STATEMENT IS ISSUED</p>	<p>VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITORY AUTHORITY Identified on the following page</p>
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I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: <b>Dr. Manobjyoti Bordoloi</b> Address: Scientist Natural Products Chemistry Division Regional Research Laboratory Jorhat – 785 006. INDIA	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY <b>MTCC 5168</b> Date of the deposit or of the transfer: <b>30-07-2004</b>

III. VIABILITY STATEMENT
<p>The viability of the microorganism identified under II above was tested  on <u>22.07.2004</u> <sup>2</sup> on that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> <sup>3</sup> viable  <input type="checkbox"/> <sup>3</sup> no longer viable</p>

<sup>1</sup> Indicate the date of the original deposit or, where the new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box

**IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup>**

- Not Applicable -

**V. INTERNATIONAL DEPOSITORY AUTHORITY**

Name:

Dr. G.S. PRASAD  
Microbial Type Culture & Gene Bank (MTCC)

Address:

Institute of Microbial Technology  
Sector 39-A, Chandigarh - 160 036  
India

*G S Prasad*

**MTCC and IDA**  
**Institute of Microbial Technology**  
**Sector 39-A, Chandigarh-160 036**  
**INDIA**

Date:

*30-07-2014*

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.